

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and John T. "Tom" Boone.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. John T. "Tom" Boone*, Case No. 11-008;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on September 19, 2011, the Commission alleged facts in an Initiating Order that John T. "Tom" Boone violated the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (c) and (d);

WHEREAS, John T. "Tom" Boone was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, John T. "Tom" Boone indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and John T. "Tom" Boone agree, pursuant to KRS 11A.100, as follows:

1. John T. "Tom" Boone admits that he committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (c) and (d) as stated in Appendix A to the Commission's Initiating Order of September 19, 2011, attached hereto and incorporated by reference herein.

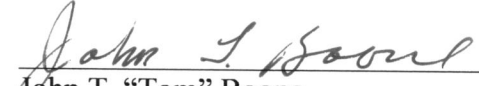
2. John T. "Tom" Boone agrees to pay the Commission a civil penalty of five thousand dollars (\$5,000.00) concurrently with the execution of this Settlement Agreement.

3. John T. "Tom" Boone agrees that, upon a Final Order being issued by the Commission, he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. John T. "Tom" Boone*, Agency Case No. 11-008.

5. This Settlement Agreement constitutes a public reprimand to John T. "Tom" Boone, a copy of which will be provided to his current appointing authority pursuant to KRS 11A.100(3)(c).

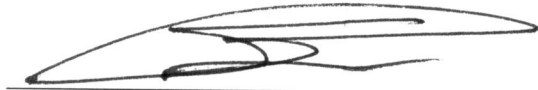
IN WITNESS THEREOF, the parties have caused this agreement to be executed:



John T. "Tom" Boone

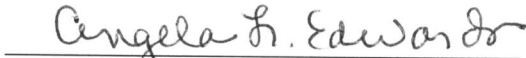
10-03-2011
Date

EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, Ron Green

12/2/11
Date



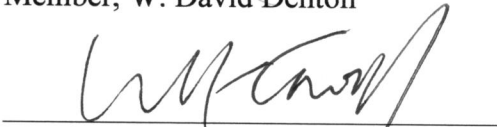
Vice Chair, Angela Edwards

12/2/11
Date




Member, W. David Denton

12/2/11
Date



Member, William L. Knopf

12-2-11
Date



Member, William G. Francis

12-2-11
Date

**APPENDIX A
CASE NO. 11-008
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, John T. “Tom” Boone, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Division of Plumbing in the Department of Housing, Buildings and Construction in the Public Protection Cabinet. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that John T. “Tom” Boone committed the following violations:

COUNT I

John T. “Tom” Boone, during his course of employment as a Plumbing Inspection Reviewer with the Division of Plumbing, Department of Housing, Buildings and Construction in the Public Protection Cabinet, used his official position to obtain financial gain for himself and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, the Division and the Northern Kentucky Area Planning Commission (NKAPC) have a Memorandum of Agreement allowing the Department of Housing, Buildings and Construction for the Division of Plumbing to use its facilities without charge. From December 15, 2008, through October 15, 2010, Boone used his official position with the Division to use the NKAPC chambers without charge on at least thirty-five (35) separate days for the purpose of teaching plumbing classes in his private capacity. Boone used copies of materials, developed by the Division as course materials for teaching the Kentucky State Plumbing Code, loaned to him by Chris Stein, Plumbing Inspector Reviewer, in his plumbing classes he taught in his private capacity. From December 15, 2008, through October 15, 2010, Boone used his official position

with the Division to use the NKAPC copier to make copies of the course materials provided to him by Chris Stein, making approximately 840 pages of copied material which he gave to his students to use during the plumbing classes.

These facts constitute violations of KRS 11A.020(1)(c) and (d).

KRS 11A.020(1)(c) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

John T. “Tom” Boone, during his course of employment as a Plumbing Inspection Reviewer with the Division of Plumbing, Department of Housing, Buildings and Construction in the Public Protection Cabinet, used his official position to obtain financial gain for himself and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, on multiple occasions from December 15, 2008, through October 15, 2010, Boone taught plumbing code courses despite being told by his supervisor approximately three years prior that employees of the Division were not to teach plumbing code classes on their own because all plumbing code classes were to be taught by the Division through a participating college. Boone taught plumbing code classes without the knowledge of the Division and in contravention of the Division’s Policy and Procedure Manual concerning the proper procedures for conducting plumbing code classes, which requires individual participants of such classes to be billed by the Division. Boone suggested that students attending his classes make a \$350 to

\$375 “donation” per student to him to attend his privately-provided classes. Between December 15, 2008, and October 15, 2010, Boone collected approximately \$13,000 in “donations” for teaching the plumbing code classes held at the NKAPC facility without the knowledge of the Division, despite knowing that Division employees who taught such classes did not earn additional compensation.

These facts constitute violations of KRS 11A.020(1)(c) and (d).

KRS 11A.020(1)(c) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT III

John T. “Tom” Boone, during his course of employment as a Plumbing Inspection Reviewer with Division of Plumbing, Department of Housing, Buildings and Construction in the Public Protection Cabinet, used or attempted to use his influence in matters that involved a substantial conflict between his personal or private interest and his duties in the public interest.

Specifically, on March 31, 2011, Boone conducted a plumbing inspection in Fort Thomas, Kentucky, for Neyer Plumbing, a company from which Boone had received \$3,850 in “donations” for conducting plumbing code classes in his private capacity for its employees on September 6-29, 2010, and October 4-15, 2010. On September 17, 27, and 29, and October 6, 7, and 15, 2010, Boone conducted plumbing inspections in Wilder, Kentucky, for Barry Jolly, whose employee paid Boone for conducting plumbing code classes in his private capacity from September 6-29, 2010, and October 4-15, 2010.

These facts constitute violations of KRS 11A.020(1)(a).

KRS 11A.020(1)(a) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest.

(End of document)